

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

HARRY T. COLLINS,)
)
Plaintiff,)
)
v.) Civil Action No. 05-624-SLR
)
LINDA HUNTER, HRYCI MEDICAL)
DEPARTMENT, WARDEN RAPHAEL)
WILLIAMS, and CORRECTIONAL)
MEDICAL SYSTEMS,)
)
Defendants.)

ORDER

WHEREAS, plaintiff, Harry T. Collins, was a prisoner incarcerated within the Delaware Department of Correction at the time he filed his complaint under 42 U.S.C. § 1983, along with an application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915;

WHEREAS, on September 1, 2005, the court entered an order granting leave to proceed in forma pauperis, later assessed an initial partial filing fee of \$78.38, and required plaintiff to make payments towards the filing fee (D.I. 3, 7);

WHEREAS, on February 2, 2007, plaintiff advised the court that he was no longer incarcerated;

WHEREAS, under the Prison Litigation Reform Act, release does not eliminate the obligation of payment of a filing fee that could and should have been met from the trust account while imprisonment continued. Robbins v. Switzer, 104 F.3d 895, 899 (7th Cir. 1997); see also Drayer v. Attorney General, Nos. 03-

2517, 03-2518, 81 Fed.Appx. 429 (3d. Cir. 2003);

WHEREAS, on February 15, 2007, plaintiff submitted an amended application to proceed without prepayment of fees under 28 U.S.C. § 1915 (D.I. 60);

THEREFORE, at Wilmington this 21st day of February, 2007, the court having considered the application to proceed without prepayment of fees under 28 U.S.C. § 1915, IT IS ORDERED that the application (D.I. 60) is GRANTED.



United States District Judge